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dling of their craft, unless such injuries may be justly attributed to natural imposing elements or neglect on the part of lock forces in the performance of their duties."

"22. * * * (2) At *movable* dams when the dam has been lowered or partly lowered so that *there is an unobstructed navigable pass through the dam*, the navigation lights indicated below will be displayed during hours of darkness until lock walls and weir piers are awash." * * *

"24. *Buoys at movable dams.*—Whenever the river (guard) wall of the lock and any portion of the dam are awash, and until covered by a depth of water equal to the project depth, the limits of the navigable pass through the dam will be marked by buoys at the upstream and downstream ends of the river (guard) wall, and by a single buoy over the end, or ends, of the portion or portions of the dam adjacent to the navigable pass over which project depth is not available. A red nun-type buoy will be used for such structures located on the left-hand side (facing downstream) of the river and a black can-type buoy for such structures located on the right-hand side (facing downstream) of the river, buoys to be lighted if practicable.

Where powerhouses or other substantial structures projecting considerably above the level of the lock wall are located on the river (guard) wall a single red light located on top of one of these structures may be used instead of river wall buoys prescribed above until these structures are awash, after which they will be marked by a buoy of appropriate type and color (red nun or black can buoy) until covered by a depth of water equal to the project depth, buoys to be lighted if practicable."

Approved, May 17, 1938.

[SEAL]

HARRY H. WOODRING,
Secretary of War.

[F. R. Doc. 38-1488; Filed, May 26, 1938; 9:55 a. m.]

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[General Docket No. 15]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS

NOTICE OF AND ORDER FOR HEARING IN RE DETERMINATION OF WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE PRODUCED WITHIN MINIMUM PRICE AREAS 6, 7, 9 AND 10

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Congress, 1st Session), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That the above entitled proceeding entitled "In the Matter of the Establishment of Minimum Prices and Marketing Rules and Regulations" is hereby instituted under General Docket No. 15, for the purpose of carrying out the provisions

of subsections (a) and (b) of Section 4, Part II, of the Bituminous Coal Act of 1937.

2. That the Secretary of the Commission be and hereby is directed to cause said docket to be opened on June 2, 1938, for the purpose of receiving appearances, determinations, proposals, transcripts of testimony, exhibits, briefs, findings of facts, rulings and orders of the Commission, and other matters relating to each hearing hereinafter held as a part of the aforesaid matter.

3. Notice is hereby given to all interested parties that the initial hearing in this matter shall be held before the Commission on the 9th day of June, 1938, at 10:00 a. m., in the Hearing Room of the Commission at Shirley-Savoy Hotel in Denver, Colorado, for the purpose of receiving evidence relating to the weighted average of the total costs per net ton of the tonnage of bituminous coal produced in the calendar year 1936, in each of Districts No. 16, 17, 18, 19, 20, 22 and 23, and evidence relating to any change or changes in wage rates, hours of employment, or other factors, exclusive of seasonal changes, substantially affecting costs, in each of said Districts which may have been established since January 1, 1936, to enable the Commission to determine the weighted average of the total costs of the tonnage for Minimum Price Areas 6 (Districts 16, 17 and 18), 7 (Districts 19 and 20), 9 (District 22), and 10 (District 23) as adjusted, within the meaning of Section 4, Part II, of the Act, at which time all interested persons will be afforded an opportunity to be heard.

4. The District Boards of said Districts have submitted to the Commission, pursuant to its Order No. 240,¹ their determinations of the weighted average of the total costs of the total ascertainable tonnage produced in their respective districts in the calendar year 1936, adjusted as aforesaid, as follows:

District No.:	District Board's Determination
16.	\$2.5651 per net ton.
17.	2.7989 per net ton.
18.	3.1603 per net ton.
19.	2.1146 per net ton.
20.	2.5064 per net ton.
22.	1.5723 per net ton.
23.	3.2786 per net ton.

upon which evidence will be received at such hearing.

5. The Bureau of Research and Statistics of the Commission has submitted to the Commission the following computations of the weighted average costs of the total ascertainable tonnage in each District and each Minimum Price Area for the nine months period, April to December 1937, inclusive, the latest period for which cost data are available at the increased wage rates that became effective April 1, 1937, which costs are further adjusted to take account of known changes in Federal unemployment taxes, effective January 1, 1938, and to take account of the known effects of the tax imposed by the Bituminous Coal Act of 1937.

District	1936 tonnage	District cost
District No. 16	2,343,702	\$2.65
District No. 17	4,891,733	2.80
District No. 18	713,782	3.15
District No. 19	5,485,005	2.15
District No. 20	3,242,617	2.49
District No. 22	2,905,389	1.60
District No. 23	1,904,085	3.27

Minimum price area	1936 tonnage	Minimum price area cost
Minimum Price Area 6	7,949,217	\$2.79
Minimum Price Area 7	8,727,622	2.28
Minimum Price Area 9	2,905,389	1.60
Minimum Price Area 10	1,904,085	3.27

The Bureau of Research and Statistics has recommended to the Commission that the above costs be accepted as the best available evidence of the adjusted costs, subject to

¹8 P.R. 935 (D.I.).

such further adjustments, as may be proved at the hearing to be necessary in order to take account of additional known factors which have been operative since January 1, 1938.

6. In order to afford interested persons an opportunity to check the accuracy of the aforesaid determinations and computations of the District Boards and of the Bureau of Research and Statistics of the Commission, there will be made available for inspection by those interested persons who have filed appearances in the said hearing as herein-after provided, on and after June 2, 1938, at Shirley-Savoy Hotel, Denver, Colorado, (1) the determinations of the said District Boards above referred to, (2) composite exhibits prepared by the Bureau of Research and Statistics, forming the basis for its cost determinations, and (3) the verified cost reports of the individual producers within each of said districts upon which the cost data submitted to the District Boards by the Statistical Bureaus of the Commission are based, and upon which are based the said exhibits prepared by the Bureau of Research and Statistics of the Commission.

7. Any person desiring to be heard in this proceeding shall file with the Commission at the Central Savings Bank Building, Denver, Colorado, a written appearance setting forth his interest. If any such person desires to offer affirmative evidence at such hearing, or to cross-examine any witness as to the aforesaid cost data, it is requested in the interest of orderly procedure, that he file with the said office of the Commission, not later than the day preceding the date of said hearing, a concise written statement of the facts he expects to establish.

8. That the Secretary be, and he is hereby directed, to cause a copy of this Notice of and Order for Hearing to be published forthwith in the *FEDERAL REGISTER* and in two consecutive issues of a newspaper of general circulation in each of the aforesaid districts and shall cause copies hereof to be mailed to each code member, the Consumers' Counsel and to the Secretary of each District Board, and to be made available for inspection by interested parties at each of the Statistical Bureaus of the Commission.

By order of the Commission.

Dated this 25th day of May, 1938.

[SEAL] F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 38-1490; Filed, May 26, 1938; 12:03 p. m.]

Office of Indian Affairs.

REGULATIONS GOVERNING NEGOTIATION AND EXECUTION OF ATTORNEY CONTRACTS WITH INDIAN TRIBES

TRIBES ORGANIZED UNDER THE INDIAN REORGANIZATION ACT

SECTION 1. *Contracts with Organized Tribes.*—Negotiation and execution of tribal attorney contracts with Indian tribes organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), shall be in accordance with the provisions of the approved constitutions or charters of the respective tribes. The selection of counsel by an organized tribe and the fixing of fees are subject to the approval of the Secretary of the Interior.

SEC. 2. *Admission to Practice.*—Attorneys employed by tribes organized under the Indian Reorganization Act shall be required to be admitted to practice before the Interior Department and the Bureaus thereof, under the provisions of the Act of July 4, 1884 (23 Stat. 101). Copies of the regulations governing recognition of attorneys may be obtained from the Chief Clerk, Department of the Interior.

SEC. 3. *Tentative Form of Contract.*—A tribal council or representative body having authority to employ legal counsel in behalf of an organized tribe, may, if it desires, obtain a tentative form of contract from the Commissioner of Indian Affairs. Requests for forms should include a statement of the scope of the intended employment; that is, whether an attorney is desired for investigation and prosecution of tribal claims against the United States, or as general legal counsel in connection with the ordinary business of the tribe, or spe-

cific problems on which legal advice is desired, or specific matters requiring representation in court or before committees of Congress and the departments of the Government. The period for which an attorney is desired should be stated.

Sec. 4. *Report of Superintendent.*—Contracts executed by organized tribes should be transmitted to the Commissioner of Indian Affairs by the Superintendent, with a report based upon references and independent inquiry concerning the qualifications of the attorney, his ability to perform the services required by the contract, and the Superintendent's recommendation with reference to approval of the contract.

Sec. 5. *Fees and Expenses.*—Funds held in the Treasury of an organized tribe may be used by the tribe for payment of fees and expenses of an attorney. A contract providing for payment of fees and/or expenses should be accompanied by an appropriation act passed by the governing body of the tribe in accordance with the requirements of the tribal constitution or charter, appropriating sufficient tribal funds for payment of fees and/or expenses as provided by the contract. The amount of tribal funds held in the tribal treasury, not otherwise appropriated and available for payment of fees and expenses, should be stated.

Sec. 6. *Funds in Federal Treasury.*—Under rulings of the Comptroller General and Section 27 of the Act of May 18, 1916 (39 Stat. 158-159), tribal funds held in the United States Treasury may not be used for payment of attorney fees and expenses in the absence of express authorization by Congress.

TRIBES NOT ORGANIZED UNDER THE INDIAN REORGANIZATION ACT

Sec. 7. *Statutes Governing.*—The negotiation and execution of tribal attorney contracts with tribes not organized under the Indian Reorganization Act must be in strict accordance with the requirements of Sec. 2103 of the Revised Statutes of the United States (25 U. S. C. 81), which provides:

No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows:

First. Such agreement shall be in writing, and a duplicate of it delivered to each party.

Second. It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

Third. It shall contain the names of all parties in interest, their residence and occupations; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority, shall be given specifically.

Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per centum of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

Fifth. It shall have a fixed limited time to run, which shall be distinctly stated.

Sixth. The judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto, as stated to him at the time; the parties present making the same; the source and extent of authority claimed at

the time by the contracting parties to make the contract or agreement, and whether made in person or by agent or attorney or either party or parties.

Sec. 8. *Selection of Counsel.*—Except as hereinafter stated in Secs. 12 to 15, a tribal attorney and tribal delegates to execute a contract shall be selected by a general council or meeting of the tribe, to be called by the Superintendent of the particular reservation. The Superintendent, or some one representing him, shall be in attendance with a stenographer.

Sec. 9. *Record of Council Proceedings.*—Stenographic notes should be made of the proceedings of the council, transcribed, certified to by the Superintendent as correct, and a copy thereof should be sent to the Commissioner of Indian Affairs with the contract.

Sec. 10. *Resolution Required.*—The selection of counsel and of tribal delegates to execute a contract in behalf of the tribe shall be set forth in a resolution or resolutions which shall be attached to and made a part of the contract.

Sec. 11. *Authentication of Resolution.*—The resolution shall be signed by the presiding officer of the general council, attested by the Secretary of the general council, and certified by the Superintendent.

Sec. 12. *Negotiation by Tribal Business Committee.*—A tribal business committee, advisory board, or other similar representative body having standing authority to act for and in behalf of the tribe in matters of importance, may, when it finds that there is a substantial need and demand for retention of tribal counsel, negotiate with an attorney or attorneys.

Sec. 13. *Limitation of Authority.*—The tribal business committee or other representative body, when proceeding under section 12 hereof, should carefully investigate, with the assistance of the Superintendent if desired, the qualifications of available attorneys, bearing in mind the purpose for which counsel is desired and shall carry on its negotiations with attorneys subject to the distinct understanding that final action on the selection and employment of counsel shall be had in a general council or meeting of the tribe, subject to approval by the Department as required by law.

Sec. 14. *Employment by Tribal Business Committees.*—In case the tribal business committee or board has specific authority from the tribe to employ tribal attorneys and to execute a contract for that purpose, the tribal business committee or board may negotiate with attorneys and enter into a contract subject to departmental approval as provided by law.

Sec. 15. *Vote by Secret Ballot.*—Those tribes accustomed to act on important tribal matters by secret ballot, or by vote in district meetings, or in some other manner, may apply through their proper officers to the Commissioner of Indian Affairs for permission to consider and act upon employment of tribal counsel in the manner preferred by the tribe rather than by a general council or meeting.

Sec. 16. *Notice From Tribe.*—Notice of intention to negotiate with attorneys should be sent to the Superintendent by the proper tribal officers, accompanied by a full statement concerning the need for retaining counsel, showing in detail the purposes for which an attorney is needed, the scope of his intended employment, and a reference to the tribal funds, if any, which the tribe believes should be made available for payment of counsel fees and expenses. The notice and statement should be transmitted to the Commissioner of Indian Affairs by the Superintendent with the latter's report and recommendations.

Sec. 17. *Notice from Attorneys.*—Attorneys desiring to execute contracts with Indian tribes shall be required to notify the Commissioner of Indian Affairs in advance of all negotiations.

Sec. 18. *Tentative Form of Contract.*—A tentative form of contract may be obtained from the Commissioner of Indian Affairs. When the attorneys or tribe proposing to execute a contract desire to make substantial changes in the tentative form, the proposed changes should be sub-

mitted to the Commissioner of Indian Affairs, for approval as to form, prior to execution of a contract.

Sec. 19. *Execution in Quintuplicate.*—The contract should be executed in quintuplicate, and all copies should be transmitted by the Superintendent to the Commissioner of Indian Affairs.

Sec. 20. *Report of Superintendent.*—The Superintendent should submit a report when transmitting the contract, setting forth the qualifications and general reputation of the attorney selected, based upon references and independent inquiry by the Superintendent, and the Superintendent's recommendation concerning approval of the contract.

Sec. 21. *Copies of Approved Contracts.*—Upon approval of a contract, one copy will be transmitted to the attorneys, one to the Superintendent of the Agency for the information of the Indians in interest, and the other three copies will be filed in the proper offices in Washington, D. C.

Sec. 22. *Qualifications of Attorneys.*—The person selected as attorney should be a reputable member of the bar, and fully competent to carry the case through the Court of Claims, and to the Supreme Court of the United States if necessary.

Sec. 23. *Admission to Practice.*—The attorney shall also be required to be admitted to practice before the Interior Department and the Bureaus thereof under the provisions of the Act of July 4, 1884 (23 Stat., 101). Copies of the regulations governing recognition of attorneys may be obtained from the Chief Clerk, Department of the Interior.

Sec. 24. *Fees and Expenses.*—Under rulings of the Comptroller General and Section 27 of the Act of May 18, 1916 (39 Stat., 158-159), tribal funds held in the United States Treasury may not be used for payment of attorney fees and expenses, in the absence of express authorization by Congress. Unless congressional authority has been obtained for the use of tribal funds, the payment of attorney fees and expenses shall be contingent upon a recovery by the Indians in the matters or claims covered in the contract. In case congressional authority has been obtained for the use of tribal funds for attorney fees and expenses, the provisions of the contract concerning the payment of such fees and expenses should strictly conform to the provisions of the Act authorizing the use of the funds.

Sec. 25. *Invalid Contracts.*—It may be pointed out that Sec. 81, Title 25, of the United States Code provides further that all contracts made in violation of that section shall be null and void; Sec. 84, Title 25, provides that no assignment of any such contract shall be valid without the consent of the Commissioner of Indian Affairs and the Secretary of the Interior; and Sec. 85, Title 25, declares that no contract with any individual Indian, relating to tribal property shall have any validity unless the consent of the United States has previously been given thereto.

WILLIAM ZIMMERMAN, Jr.,

Assistant Commissioner of Indian Affairs.

Approved, May 14, 1938.

OSCAR L. CHAPMAN,

Assistant Secretary of the Interior.

[F. R. Doc. 38-1489; Filed, May 26, 1938; 9:55 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

ECR—B-101—Delaware, Supplement (b); Kentucky, Supplement (c); Maryland, Supplement (b); North Carolina, Supplement (b); Tennessee, Supplement (c); Virginia, Supplement (d); West Virginia, Supplement (d); Guilford County, N. C., Supplement (b); Johnson County, Tenn., Supplement (a); Kent County, Md., Supplement (c); White County, Tenn., Supplement (a)

1937 AGRICULTURAL CONSERVATION PROGRAM—AMENDMENTS TO BULLETINS NO. ECR—B-101, AS AMENDED, FOR THE STATES OF DELAWARE, KENTUCKY, MARYLAND, NORTH CAROLINA, TEN-

NESSEE, VIRGINIA, AND WEST VIRGINIA; AND THE COUNTIES OF GUILFORD IN NORTH CAROLINA, JOHNSON AND WHITE IN TENNESSEE, AND KENT IN MARYLAND

DISPOSITION OF PAYMENT IN EVENT OF DEATH OR LEGAL INCOMPETENCY OF PAYEE

Subsection (c), Section 2 of Part IV of East Central Region Bulletin 101, Delaware,¹ Kentucky,² Maryland,³ North Carolina,⁴ Tennessee⁵ and Johnson⁶ and White⁷ Counties, Tennessee, and West Virginia,⁸ subsection (c), Section 2 of Part III of East Central Region Bulletin 101—Kent County, Maryland,⁹ and subsection (e), Section 2 of Part IV of East Central Region Bulletin 101, Virginia, Supplement (c) are hereby amended to read as follows; and Section 2 of Part IV of East Central Region Bulletin 101—Guilford County, North Carolina,¹⁰ is hereby amended by the addition of the following as subsection (e):

In the event of death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant shall be made to the executor, administrator, committee, or guardian of the estate of the decedent or legally incompetent applicant. In the case of a deceased applicant if an executor or administrator is not and will not be appointed, the amount due shall be paid to the person or persons who under the law of the domicile of the decedent would be entitled to receive the money if administration were had.

Done at Washington, D. C., this 26th day of May, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1497; Filed, May 26, 1938; 12:35 p. m.]

Bureau of Agricultural Economics.

AMENDMENT NO. 1 TO THE STANDARDS FOR ROUGH RICE TO PROVIDE FOR THE DETERMINATION OF MILLING QUALITY ON THE BASIS OF THE LOT OF RICE AS A WHOLE

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress entitled "An Act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938 and for other purposes" approved June 29, 1937 (50 U. S. Stat. L. p. 395), I, H. A. Wallace, Secretary of Agriculture, do hereby make, prescribe, publish and give public notice of the following amendment to the standards for rough rice,¹¹ as heretofore promulgated, to become effective on May 26, 1938 and to continue in force and effect as long as Congress shall provide the necessary authority therefor, unless amended or superseded by standards hereafter prescribed and promulgated under such authority.

Strike out the paragraph entitled "Basis of Grade Determinations (Southern Rice)" and insert in lieu thereof the following:

Basis of grade determinations (southern rice).—In the case of rough rice other than rough rice of the subclass (b) California-Japan of Class XIV, and of the class Calady, each determination of general appearance, temperature, odor, separable foreign material, live weevils or other insects injurious to stored rice, and milling quality, shall be on the basis of the lot of rice as a whole. Each determination of

- ¹ 2 F. R. 183-198 (DI).
- ² 2 F. R. 207 (DI).
- ³ 2 F. R. 218 (DI).
- ⁴ 2 F. R. 688 (DI).
- ⁵ 2 F. R. 637 (DI).
- ⁶ 2 F. R. 231 (DI).
- ⁷ 2 F. R. 699 (DI).
- ⁸ 2 F. R. 607 (DI).
- ⁹ 2 F. R. 188 (DI).
- ¹⁰ 1 F. R. 892.

red rice, damaged kernels, heat-damaged kernels, chalky kernels, class, subclass, and rice of other classes, shall be on the basis of the rice after shelling. All other determinations shall be on the basis of the rice when free from separable foreign material and before shelling.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 26th day of May 1938.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1496; Filed, May 26, 1938; 12:34 p. m.]

[Correction]

Paragraph 2 of Memorandum No. 756 entitled "Administration of Land Conservation and Utilization Program authorized by the Bankhead-Jones Farm Tenant Act" (F. R. Doc. 38-1444; filed May 20, 1938; 12:37 P. M.) printed in the May 24, 1938, issue of the *FEDERAL REGISTER* on page 1174 should read as follows:

"2. Determine whether public buildings, within the meaning of section 355 of the Revised Statutes, will or will not be constructed upon individual tracts of land under contract of purchase.

Bureau of Animal Industry.

[Amendment 3 to B. A. I. Order 309]

AMENDMENT 3 TO B. A. I. ORDER 309 (REGULATIONS GOVERNING THE INTERSTATE MOVEMENT OF LIVESTOCK), MODIFYING REGULATION 7, AS AMENDED SEPTEMBER 9, 1936

[Effective on and after June 1, 1938]

Under the authority conferred by law upon the Secretary of Agriculture, the regulations governing the interstate movement of livestock (B. A. I. Order 309), issued under date of March 5, 1928, as amended January 10, 1930, and September 9, 1936, are hereby further amended in the following particular:

Paragraph 2, section 2, regulation 7, as amended, pertaining to semirange and range cattle, steers, and spayed heifers, is hereby revoked.

This amendment, which for the purpose of identification is designated as Amendment 3 to B. A. I. Order 309, shall be effective on and after June 1, 1938.

Done at Washington this 26th day of May 1938.

Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1492; Filed, May 26, 1938; 12:33 p. m.]

[Amendment 3 to B. A. I. Order 352]

AMENDMENT 3 TO B. A. I. ORDER 352. REGULATIONS GOVERNING THE IMPORTATION OF DOMESTIC LIVESTOCK AND OTHER ANIMALS INTO THE UNITED STATES FROM ALL COUNTRIES EXCEPT MEXICO¹

[Effective on and after July 1, 1938]

Under authority conferred by law upon the Secretary of Agriculture, the regulations governing the importation of domestic livestock and other animals from all countries except Mexico (B. A. I. Order 352) dated June 7, 1935, and effective August 1, 1935, as amended September 23, 1935, and July 26, 1937, are hereby further amended as hereinafter set forth:

¹ Importations from Mexico are governed by special regulations contained in another order of this Department.

Regulation 21 is amended to read as follows:

ANIMALS FOR SLAUGHTER

REGULATION 21. Cattle, sheep, goats, and swine imported from Canada for slaughter shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry, or upon special permission obtained from the Chief of Bureau they may be reconsigned to other points and there slaughtered within the period aforesaid.

Regulation 22 is amended to read as follows:

CATTLE

REGULATION 22. PARAGRAPH 1. All cattle offered for importation from Canada shall be accompanied by a veterinarian's certificate showing that he has inspected the said cattle and found them free from any evidence of contagious disease and that, so far as he has been able to determine, they have not been exposed to any such disease during the preceding 60 days. Except as provided in paragraphs 2 and 3 of this regulation, all such cattle, unless imported for slaughter, shall also be accompanied by a satisfactory certificate of tuberculin test, which test shall have been made within 30 days next preceding the date of importation. The date and place of testing and the description of the cattle tested showing their ages and markings shall be given in such certificate. These certificates shall be issued or endorsed by a salaried veterinarian of the Canadian Government. When not accompanied by certificates as herein prescribed such cattle shall be detained in quarantine at the port of entry for a period of not less than 3 days and shall be subjected by an inspector to a tuberculin test and such other tests as may be deemed necessary to determine their freedom from disease.

PAR. 2. *Cattle from modified accredited areas.*—Cattle from herds in modified accredited areas of Canada may be imported without having been tuberculin tested, as prescribed in paragraph 1 of this regulation, if they are accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that they originated in such modified accredited area.

PAR. 3. *Cattle from accredited herds.*—Cattle from Canadian tuberculosis-free accredited herds may be imported without having been tuberculin tested, as prescribed in paragraph 1 of this regulation, if they are accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that they are from such herds and that said herds have been tested for tuberculosis within 1 year next preceding the date of the importation. Such certificate shall give the date of the last tuberculin test applied to such cattle, place of testing and a description of the cattle with ages and markings.

This amendment, which is designated Amendment 3 to B. A. I. Order 352, shall be effective on and after July 1, 1938. Done at Washington this 26th day of May, 1938.

Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE, Secretary.

[F. R. Doc. 38-1493; Filed, May 26, 1938; 12:33 p. m.]

[Amendment 16 to B. A. I. Order 350]

AMENDMENT 16 TO B. A. I. ORDER 350 (REGULATIONS GOVERNING THE RECOGNITION OF BREEDS AND PUREBRED ANIMALS) AMENDING REGULATION 2, SECTION 3, PARAGRAPH 1, RECOGNIZING BREEDS AND BOOKS OF RECORD ACROSS THE SEAS

[Effective on and after May 26, 1938]

Regulation 2, section 3, paragraph 1, of the regulations governing the recognition of breeds and purebred animals,

effective under date of July 1, 1935, and identified as B. A. I. Order 350, is hereby amended so as to include and recognize for the purposes enumerated thereunder the following breed and book of record:

Cattle

Name of breed	Book of record	By whom published
Norman.....	Herd-Book de la Race Bovine Normande Pure. ¹	L'Association du Herd-Book Normand, Léon Hédard, secretary general, Caen, France.

¹ Provided that no cattle registered in the above-mentioned book shall be certified as purebred unless a certificate giving three generations of complete and recorded purebred ancestry, issued by the above-named society, is submitted for each animal.

Done at Washington this 26th day of May 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1494; Filed, May 26, 1938; 12:34 p. m.]

[Amendment 15 to B. A. I. Order 350]

AMENDMENT 15 TO B. A. I. ORDER 350 (REGULATIONS GOVERNING THE RECOGNITION OF BREEDS AND PUREBRED ANIMALS) AMENDING REGULATION 2, SECTION 3, PARAGRAPH 1, RECOGNIZING BREEDS AND BOOKS OF RECORD ACROSS THE SEAS

[Effective on and after May 26, 1938]

Regulation 2, section 3, paragraph 1, of the regulations governing the recognition of breeds and purebred animals, effective under date of July 1, 1935, and identified as B. A. I. Order 350, is hereby amended so as to include and recognize for the purposes enumerated thereunder the following breed and book of record:

Horses

Name of breed	Book of record	By whom published
Arabian.....	Stud Book Argentino.....	Jockey Club, Felix Alzaga Urreza, president, Buenos Aires, Argentina.
Thoroughbred.....	do.....	Do.

Done at Washington this 26th day of May 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1495; Filed, May 26, 1938; 12:34 p. m.]

Bureau of Biological Survey.

ORDER PROHIBITING THE TAKING OF CERTAIN MIGRATORY BIRDS IN THE STATE OF TEXAS

It having been determined by the Game, Fish, and Oyster Commission of Texas and this Department that the Black-bellied Tree-duck (*Dendrocygna autumnalis autumnalis*), Masked Duck (*Nomonyx dominicus*), Buff-bellied Hummingbird (*Amazilia yucatanensis chalconota*), Beardless Flycatcher (*Campstostoma imberbe*), and Rio Grande Yellow-throat (*Chamaethlypis poliocephala poliocephala*), migratory birds included in the terms of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), have been reduced in the Rio Grande Valley in the State of Texas to numbers insufficient to insure their perpetuation in this region unless safeguarded by further restrictions on the taking of them or the eggs of such of them as nest in that region,

It is ordered, That all permits heretofore issued by the Secretary of Agriculture and now outstanding permitting the taking in the State of Texas of migratory birds and the eggs of migratory birds for scientific purposes and migratory waterfowl and the eggs of migratory waterfowl for propagat-

ing purposes are hereby amended, effective as to each such permittee upon his receipt of a copy of this order, so as to exclude from the privileges conferred by such permits the privilege to take in said Rio Grande Valley the birds and the eggs of the birds specifically mentioned in the first paragraph of this order.

It is further ordered, That the Chief of the Bureau of Biological Survey, United States Department of Agriculture, forthwith transmit a copy of this order to each person now in possession of a permit authorizing the taking in the State of Texas of migratory birds and the eggs of migratory birds for scientific purposes and migratory waterfowl and the eggs of migratory waterfowl for propagating purposes.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

MAY 26, 1938.

[F. R. Doc. 38-1491; Filed, May 26, 1938; 12:33 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of May, A. D. 1938.

[File No. 55-1 and File No. 55-2]

CHARLES TRUE ADAMS, TRUSTEE OF UTILITIES POWER & LIGHT CORPORATION AND CENTRAL SERVICE CORPORATION

[Public Utility Holding Company Act of 1935—Rule 11F-2]

ORDER

Charles True Adams, Trustee of Utilities Power & Light Corporation having filed application pursuant to Rule 11F-2, promulgated under Section 11 (f) of the Public Utility Holding Company Act of 1935; Melvin M. Hawley, Jay Samuel Hartt, and Ronald R. Monroe having filed supplemental applications pursuant to said Rule; and Central Service Corporation having filed application pursuant to said Rule; Irwin T. Gilruth and Charles A. McDonald, Trustees of Public Utilities Securities Corporation, Harry Reid, Max McGraw and B. B. Robinson, styling themselves "General Protective Committee for Security Holders of Utilities Power & Light Corporation," and Associated Investing Corporation, having filed petitions for leave to intervene herein; a public hearing¹ having been held on these several applications pursuant to appropriate notice; all of said applicants and petitioners having waived a trial examiner's report, submission to them of proposed findings of fact by the Commission or requested findings of fact by counsel for the Commission, the filing of briefs with the Commission, and oral argument before the Commission, prior to the entry of the Commission's findings and order herein; and the Commission having considered the record in these matters and having made and filed its findings and opinion herein; *It is ordered*:

1. That the petitions for leave to intervene, of said Gilruth and McDonald, of said Reid, McGraw and Robinson, and of said Associated Investing Corporation, are granted insofar as the present applications are concerned.
2. That the maximum interim allowance of fees, expenses, and remuneration, which the Applicant Adams shall be paid for services as Trustee of Utilities Power & Light Corporation from March 16 to March 31, 1938, shall be \$1,000, on account, together with remuneration for cash disbursements in the amount of \$686.11; that thereafter, until further order of the Commission, his interim fees, expenses, and remuneration are exempted from Rule 11F-2, provided that (a) any such interim allowances to said Adams for services as Trustee shall not exceed \$2,000 per month, and (b) any such interim remuneration for cash disbursements shall not exceed \$750 per month; and that the application of said Adams with

¹ 3 F. R. 927 (D).

respect to W. A. Horner is hereby dismissed for want of jurisdiction.

3. That the maximum interim allowance of fees, expenses, and remuneration, which shall be paid to Applicant Hawley as attorney to the Trustee and to the temporary Trustee during the month of March, shall be \$3,000 for compensation on account, and \$1,191.30 as remuneration for cash disbursements; and that thereafter, until further order of the Commission, his interim fees, expenses and remuneration are exempted from Rule 11F-2, provided that (a) any such interim allowances to said Hawley for services as attorney to the Trustee shall not exceed \$3,000 per month, and (b) any such interim remuneration to Hawley for cash disbursements shall not exceed \$1,200 per month.

4. That the maximum amount of fees, expenses, and remuneration, which shall be paid to Applicant Hartt, for services as temporary Trustee from February 24 to March 16, 1938, shall be \$2,300, in full and final payment for such services, together with remuneration for cash disbursements during the same period in the amount of \$1,170.66.

5. That the maximum interim allowance of fees, expenses, and remuneration, which shall be paid to Applicant Hartt for services as engineering adviser to the Trustee from March 17 to March 31, 1938, shall be \$1,339, together with remuneration for cash disbursements during said period in the amount of \$951.07; that thereafter, until further order of this Commission, his interim fees, expenses, and remuneration shall be exempted from Rule 11F-2 provided that (a) any such compensation to said Hartt for services as engineering adviser to the Trustee shall not exceed \$2,500 per month, and (b) any such remuneration to Hartt for cash disbursements shall not exceed \$2,500 per month.

6. That the maximum interim allowance of fees, expenses, and remuneration, which shall be paid to Applicant Monroe for the month of March, shall be \$750; that thereafter, until further order of the Commission, his interim fees, expenses, and remuneration are exempted from Rule 11F-2, provided that (a) any such interim allowances to said Monroe for services shall not be such as to make the maximum amount of interim compensation for services which he receives from the debtor corporation, its subsidiaries, and Central Service Corporation in excess of \$1,500 per month in the aggregate, and (b) interim remuneration for cash disbursements exceed \$200 per month.

7. That the maximum amount of fees, compensation, or remuneration, which shall be paid to Central Service Corporation for services to the Trustee during the month of March, shall be \$4,500, and that thereafter, until further order of the Commission, its interim fees, expenses, and remuneration are exempted from Rule 11F-2, provided that such fees, expenses, and remuneration shall not exceed \$4,500 per month.

8. That the above exemptions are subject to the following additional conditions:

(a) There shall be filed with this Commission by, or on behalf of each of the aforesaid persons, three copies of any application for fees, expenses, or remuneration filed with the court, or of any bill for or statement of services which shall be submitted to the Trustee, or if no such application or bill for, or statement of, services is filed or submitted, of a statement showing the services rendered by such person and the disbursements for which remuneration is claimed.

(b) The Commission retains jurisdiction at any time to terminate the exemption hereby granted, with respect to any of the aforesaid persons, upon notice to such persons. If the exemption is terminated, such person shall thereupon be subject to all the obligations and requirements of Rule 11F-2 with respect to filing an application for and obtaining approval of the maximum amount of fees, expenses and remuneration which may be allowed. Neither the interim allowances hereby approved as to the maximum amount thereof, nor the exemptions hereby granted, shall prejudice the rights of any of the parties hereto to apply for, or the jurisdiction of the Commission over the maximum amount

of any final claims for fees, expenses or remuneration in connection with this reorganization.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-1500; Filed, May 26, 1938; 12:53 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1938.

[File No. 31-430]

IN THE MATTER OF SLOSS-SHEFFIELD STEEL & IRON COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 2 (a) (3) (A) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered. That a hearing on such matter be held on June 13, 1938, at 2:00 o'clock in the afternoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW, Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered. That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 8, 1938.

The matter concerned herewith is in regard to the question of the status of Sloss-Sheffield Steel & Iron Company as an electric utility company as that term is defined in Section 2 (a) (3) (A) of the aforesaid Act.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-1498; Filed, May 26, 1938; 12:53 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of May, A. D. 1938.

[File No. 31-420]

IN THE MATTER OF THE BYLLESBY CORPORATION (APPLICATION PURSUANT TO SECTION 2 (A) (7) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935)

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 2 (a) (7) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered. That a hearing on such matter be held on June 10, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW, Washington, D. C. On such day the hearing-room clerk

in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 5, 1938.

The matter concerned herewith is in regard to the application of The Byllesby Corporation for an order declaring it not to be a holding company in accordance with Section 2 (a) (7) of the Act.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-1501; Filed, May 26, 1938; 12:53 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 25th day of May 1938.

[File No. 7-236]

IN THE MATTER OF ADAMS EXPRESS COMPANY COMMON STOCK,

NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Boston Stock Exchange, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the Common Stock, No Par Value, of Adams Express Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Wednesday, June 15, 1938, at 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer designated herein shall determine, and that general notice thereof be given; and

It is further ordered, That Frank Kopelman, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-1502; Filed, May 26, 1938; 12:54 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 25th day of May, A. D. 1938.

No. 104—2

[File No. 43-112]

IN THE MATTER OF SAN ANTONIO PUBLIC SERVICE COMPANY

[Public Utility Holding Company Act of 1935—Section 7]

ORDER FIXING EFFECTIVE DATE OF DECLARATION REGARDING ISSUE AND SALE OF BONDS, NOTES AND STOCK

San Antonio Public Service Company, a subsidiary of a registered holding company, having filed a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of \$16,500,000 aggregate principal amount of First Mortgage Bonds, 4% Series due 1963, \$2,500,000 aggregate principal amount of 4% Serial Notes (maturing 1939-1948) and 28,000 shares of common stock without par value;

A hearing¹ thereon having been held after appropriate notice, the record having been duly considered, and the Commission having filed its findings herein;

It is ordered, That such declaration be and become effective forthwith, on condition, however, that the issue and sale of the before mentioned securities shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration as amended.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-1499; Filed, May 26, 1938; 12:53 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of May 1938.

IN THE MATTER OF EDWARD J. WILEY, DOING BUSINESS AS E. J. WILEY COMPANY, 70 PINE STREET, NEW YORK, NEW YORK

ORDER SUSPENDING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The registration of Edward J. Wiley, doing business as E. J. Wiley Company, as a dealer on over-the-counter markets having come on for hearing before the Commission upon the question of revocation or suspension pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, and the Commission having entered its findings of fact in the matter, and being of the opinion that it is necessary and appropriate in the public interest and for the protection of investors to suspend the said registration;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Edward J. Wiley, doing business as E. J. Wiley Company, as a dealer transacting business on over-the-counter markets, be and the same is hereby suspended until further order of the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-1503; Filed, May 26, 1938; 12:54 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 25th day of May 1938.

¹3 F. R. 853 (D).

[File No. 2-3612]

IN THE MATTER OF RESOURCES CORPORATION INTERNATIONAL
ORDER DENYING WITHOUT PREJUDICE APPLICATION FOR WITH-
DRAWAL OF REGISTRATION STATEMENT

This matter coming on to be heard on the amended motion of the registrant filed on May 23, 1938 applying for leave to withdraw its registration statement; and the Commission after due notice having heard evidence and argument with respect to the motion at a hearing held at the offices of the Commission at Washington on May 24, 1938; and the Commission having duly considered the matter and having con-

cluded that the evidence before it at this time does not support a finding that such withdrawal would be consistent with the public interest and the protection of investors;

It is ordered, That the amended motion for leave to withdraw filed by Resources Corporation International on May 23, 1938 be and the same hereby is denied without prejudice to renewal of said motion at the conclusion of the hearing now pending with respect to said registration statement pursuant to Section 8 (d) of the Securities Act of 1933.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-1504; Filed, May 26, 1938; 12:54 p. m.]